Emergency Bill No. 2-02

Concerning: Transfer Tax - Exemptions
Revised: Mar. 29, 2002 Draft No. 3
Introduced: February 5, 2002

Enacted: April 2, 2002

Executive: April 11, 2002

Effective: April 11, 2002

Sunset Date: None

Ch. 7 , Laws of Mont. Co. 2002

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the request of the County Executive

AN EMERGENCY ACT to:

- exempt transfers between spouses [[or]], former spouses, or certain domestic partners from the County transfer tax;
- (2) exempt <u>certain</u> transfers between certain <u>other</u> relatives from the County transfer tax; and
- (3) generally amend the law governing the County transfer tax.

By amending

Montgomery County Code Chapter 52, Taxation Section 52-24

Heading or defined term.
Added to existing law by original bill.
Deleted from existing law by original bill.
Added by amendment.
Deleted from existing law or the bill by amendment.
Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

1	Sec 1. Section 52-24 is amended as follows:				
2	52-24.	Certa	in transfers exempt from tax.		
3			* * *		
4	<u>(f)</u>	Trans	sfers between spouses or domestic partners. The transfer of		
5		an inte	erest in real property is not subject to tax if the transfer is		
6	<u>betw</u>		en spouses [[or]], former spouses, or domestic partners of the		
7		<u>same sex.</u>			
8	(g) Transfers between relatives. When property is transferred subjections				
9	to an existing mortgage or deed of trust, the transfer tax does not				
10	apply to the unpaid principal balance of debt secured by the mortgage				
11	or deed of trust if the property is transferred to the transferor's:				
12		<u>(1)</u>	son, daughter, stepson, or stepdaughter;		
13		<u>(2)</u>	parent or stepparent;		
14		<u>(3)</u>	son-in-law, daughter-in-law, stepson-in-law, or stepdaughter-in		
15			<u>law;</u>		
16		<u>(4)</u>	parent-in-law or stepparent-in-law; or		
17		<u>(5)</u>	grandchild or step-grandchild.		
18	8 Sec. 2.		Emergency Effective Date.		
19	The Council declares that an emergency exists and that this legislation is				
20	necessary for the immediate protection of the public health and safety. This Act				
21	takes effect on the date on which it becomes law.				
22	Sec. 3	<u>3.</u>	Regulations.		
23	The C	County_	Executive must issue regulations to establish requirements for		
24	proving that the transferor and transferee's relationship qualifies for an exemption				
25	under Section 52-24(f) or (g) of the Code, as amended by this Act. The				
26	requirements for the exemption for domestic partners under Section 52-24(f), as				
27	amended by this Act, must be substantially identical to the requirements for the				

28 domestic partner of a County employee to qualify for County benefits under the

29 Employee Benefits Equity Act of 1999.

30	Approved:		
31	/S/	April 4, 2002	
	Steven A. Silverman , President, County Council	Date	
32	Approved:		
33	/S/	April 11, 2002	
	Douglas M. Duncan, County Executive	Date	
34	This is a correct copy of Council action.		
35	/S/	April 15, 2002	
	Mary A. Edgar, CMC, Clerk of the Council	Date	